

Local Match

Senate Bill 7

Senate Bill 7 was authored by Sen. Brandon Creighton and carried in the House by Rep. Dade Phelan. The bill provides the "Local Match" for Federal Emergency Management Agency (FEMA) projects for the City of Houston along with political subdivisions throughout the state affected by Hurricane Harvey.

The bill is a combination of Rep. Phelan's House Bill 13, which creates a Flood Infrastructure Fund managed by the Texas Water Development Board, and Sen. Creighton's various funds outlined in Senate Bill 7.

The City of Houston was primarily focused on the Hurricane Harvey Account, which was set up to fund the Texas Division of Emergency Management (TDEM) financing for projects related to Hurricane Harvey.

Mayor Sylvester Turner and other Gulf Coast officials had advocated for the Texas Legislature to tap the Economic Stabilization Fund — or "Rainy Day Fund" — to provide the Local Match because of massive return on its investment for flood projects.

For FEMA Public Assistance projects, such as repairing buildings and parks and replacing equipment, local governments will get \$9 for every \$1 spent. For FEMA Hazard Mitigation Grant Projects, the state pulls down \$7.50 in federal aid for every \$2.50 spent.

➤ Permanent repairs and reconstruction of the Harvey-damaged facilities, such as police stations, theatre facilities, and City Hall will occur over the next several years. FEMA's PA program will fund repairs or replacement of these facilities. Importantly, the funding will also cover mitigation strategies, i.e. redesigns that will avoid the cost of damage from future disasters.

Over the last year, the City has focused on the need to assess the extent of damages and gain concurrences from FEMA. The City is well advanced in developing approximately 400 site inspection worksheets based on joint damage assessments with FEMA.

Harvey caused significant wind and inundation damage to Houston Public Works' (HPW) water and wastewater operations. Specifically, some 400 wastewater and drinking water lines throughout the City were impacted. The City has deployed technical experts to assess the electrical and mechanical damages and will be working with FEMA over the next year on a plan for wastewater treatment plan consolidation to mitigate future disasters.

Senate Bill 500, the Supplemental Appropriations bill, contains the maximum \$273 million to pull down funding for HMGP as well as \$365 million for PA for the Texas Division of Emergency Management to distribute to cities and counties.

The Government Relations team was pleased to work with Rep. Dan Huberty, Rep. Jim Murphy, and Rep. Armando Walle on an amendment that helps Houston pull down funds for projects throughout the city. This amendment was critical in ensuring grant dollars help directly finance FEMA projects with minimal bureaucratic delays.

Source Materials:

Bill Analysis, Texas Legislature Online https://hro.house.texas.gov/pdf/ba86r/sb0007.pdf#navpanes=0

- 1. "CSSB 7 would create the Flood Infrastructure Fund as a special fund in the state treasury outside the general revenue fund. The Flood Infrastructure Fund could be used by the Texas Water Development Board (TWDB) as provided by the bill without further legislative appropriation."
- **2.** "The fund would consist of legislative appropriations, general obligation bond proceeds, dedicated fees, loan repayments, interest, gifts, grants, donations, and money from revenue bonds or other sources dedicated by TWDB."
- 3. "CSSB 7 would support regional planning and coordination on flood mitigation projects to better provide for vital infrastructure in the state by creating the Flood Infrastructure Fund. A significant funding source is necessary to ensure cooperation among regions and all affected stakeholders and to create a more resilient Texas. Federal funds are available for flood projects after disastrous events, but counties and cities may not be able to put up the matching funds necessary to access that money. The infrastructure fund created by CSSB 7 would provide loans at or below market rates to help local governments meet matching fund needs and assist with basic flood project planning, grant applications, and the engineering of structural and nonstructural flood mitigation projects."

Joint Rainy-Day Letter

http://www.houstontx.gov/postharvey/public/documents/1.3.2019 hidalgo turner letter to austin.p df:

4. "FEMA's Public Assistance program will cover up to 90 percent of the cost of these repairs, but it does require a 10 percent match from the local jurisdiction. Local governments have been participating in the detailed process of assessing damage, scoping repairs, and negotiating with FEMA on the cost of each project – including, importantly, the potential for upgrading the design of certain assets to help prevent similar damage from future storms."

Stephen Costello "Hurricane Harvey Recovery: A Progress Report – Steps Towards Implementation" Memo

http://www.houstontx.gov/postharvey/public/documents/2.27.2019-Costello-Harvey-Recovery-Next-Steps.pdf:

Local Match – Public Assistance (PA) & Hazard Mitigation (HMGP) http://www.houstontx.gov/postharvey/public/documents/2.7.2019-rainy-day-fund-local-match.pdf:

- 5. "As reported on January 7th, 2019, the State's Economic Stabilization Fund, or "Rainy Day Fund," is projected to top\$15.4 billion thanks to better-than-expected revenue from oil and gas severance taxes. Texas Comptroller Glenn Hegar has called this "an unheard of amount." He has also lamented that the Rainy Day Fund generates a very poor return on investment."
- **6.** "Hurricane Harvey created a significant fiscal strain on local governments. Requiring a local match —on top of the financial obligations already borne by local governments since Harvey —will create an undue burden on local taxpayers. Some cities and counties may not even be able to meet the match, leaving federal dollars earmarked for Texas unused. It is essential, and it is in the State's economic interest, to assist local governments in securing these federal dollars.."

Texas Tribune: "How will Texas help Harvey-ravaged communities?" https://www.texastribune.org/2019/02/13/how-will-texas-help-communities-ravaged-hurricane-harvey/:

7. "A year and a half after Harvey, the coastal Texas communities that bore the brunt of the storm are anxiously awaiting the receipt of billions of recovery dollars they've been promised by the federal government. Some of it has been delayed. But with shrunken tax bases and dented economies, many are also wondering how they're going to scrape together the money they'll need to draw down billions more in federal funding — ideally without having to rely on other federal funds they could use for other recovery projects.

Turner is leading the charge in urging the state to help local communities with socalled matching funds and is again calling on the state to tap the rainy day fund." 8. "In their letter, Turner and Hidalgo criticized suggestions that local communities should use other federal Harvey recovery dollars to cover their local match; Abbott and others have said they could use disaster grants from U.S. Housing and Urban Development aimed at helping low- and moderate-income residents with home repairs and other housing needs."

Texas Tribune: "Texas Senate leaders unveil \$1.8 billion package of disaster relief bills" https://www.texastribune.org/2019/03/06/hurricane-harvey-texas-senate-billion-disaster-relief-bills/

9. "The legislation — Senate Bill 6, Senate Bill 7 and Senate Bill 8 — would require the Texas Department of Emergency Management to create a disaster response plan for local officials, direct the state's water planning agency to devise a statewide flood plan and create a "resiliency fund" to support flood projects."

Houston Chronicle: "Massive flood control package heads to Gov. Abbott's desk" https://www.houstonchronicle.com/news/houston-texas/houston/article/Texas-lawmakers-OK-massive-flood-control-package-13885846.php

10. "Senate Bill 7, an omnibus flood-control package authored by state Sen. Brandon Creighton, R-Conroe, is headed to Gov. Greg Abbott's desk after the upper chamber agreed to a series of House tweaks this week. Local leaders say the legislation includes crucial provisions that will allow them to move forward on Harvey repairs and projects that receive federal funding. Such projects require a local match of 10 percent to 25 percent, which the state may now agree to help cover. Without state support, Houston alone would be out more than \$220 million."

Huberty/Murphy/Walle Amendment https://capitol.texas.gov/tlodocs/86R/amendments/pdf/SB00007H24.PDF

Legislative Budget Board – Senate Bill 500 Conference Committee Report Infographic https://www.lbb.state.tx.us/Documents/Appropriations_Bills/86/Supplemental_Appropriations/5923_Supplemental_Bill_SB500.pdf



Debris Removal

House Bill 5

Massive quantities of debris piled up in front of houses after the storm, posing health and safety risks, and in some areas, debris removal continued a year after the storm.

Legislation is necessary to ensure that local jurisdictions are better prepared to respond to and recover from future natural disasters.

House Bill 5, by Rep. Dade Phelan, would require a catastrophic debris management plan, create a model contract for debris removal services, and establish groups to study debris removal and other disaster recovery efforts. The bill would address the debris management challenges that state and local governmental entities faced during the Hurricane Harvey recovery process.

Having a developed catastrophic debris management plan to be used by local jurisdictions following a disaster would better position them to respond more quickly and would simplify the Federal Emergency Management Agency (FEMA) reimbursement process.

> Some jurisdictions had problems with logistics of pickup and disposal, the availability of necessary equipment, and interactions with state and federal agencies. The bill would ensure that lessons learned from the storm were documented and a plan was created to be implemented in future disasters.

By creating a model contract that incorporated essential requirements for local jurisdictions to use in contracting for services in response to a disaster, the bill would solve problems local jurisdictions had with contracting with haulers for debris removal and contractors not honoring contracts.

Given the experiences of homeowners and state and federal agencies, it is necessary to study and recommend ways to resolve the effects local restrictions have on disaster recovery efforts. Some homeowners had difficulty with debris removal, and FEMA and the General Land Office were prevented from locating short-term housing due to homeowners' associations (HOA) regulations, impeding recovery efforts.

The work group would recommend ways to mitigate these challenges by considering input from all appropriate stakeholders. The bill would not preclude group members from soliciting input from private associations, including HOAs.

The Texas Division of Emergency Management (TDEM) would be required to develop a catastrophic debris management plan and model guide for political subdivisions to use in the event of a disaster. The plan would:

- provide a guide for clearing and disposing of debris, including information on preparing for debris removal before a disaster;
- ➤ include provisions for the use of trench burners and air curtain incinerators of vegetative debris, including sources of equipment for use immediately following a disaster;
- > include procedures for vegetative debris burning, including the role of the Texas Department of Transportation in debris removal; and
- include procedures for the coordination of debris clearance and disposal, obtaining necessary equipment immediately following a disaster, and the interaction between political subdivisions and state and federal agencies.

The Texas A&M Engineering Extension Service will establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

TDEM would have to consult with the comptroller to establish appropriate contracting standards and contractor requirements for the model contract and include a contract for debris removal services on the schedule of multiple award contracts developed under state law or in another cooperative purchasing program administered by the comptroller.

HB 5 would establish a study group to study issues related to removal of wet debris, including best practices for clearing wet debris following a disaster and determining responsibility for that removal.

➤ The wet debris study group would be chaired by the TDEM chief and composed of representatives of TDEM, selected state agencies, and local and federal governmental entities.

Work group on local restrictions and disaster recovery efforts. The bill would establish a work group to study local restrictions that impede disaster recovery efforts, including efforts to remove debris and erect short-term housing.

➤ The study would include an overview of and recommendations for minimizing the effects of official actions by governing bodies of political subdivisions and

requirements imposed by deed restrictions or property owners' associations that impede state and federal disaster recovery efforts.

Source Materials:

Bill Analysis, Texas Legislature Online https://hro.house.texas.gov/pdf/ba86r/hb0005.pdf#navpanes=0

- 11. "CSHB 5 would require the development of a debris management plan, create a model contract for debris removal services, and establish groups to study debris removal and other disaster recovery efforts."
- 12. "TDEM, in consultation with the Federal Emergency Management Agency, would have to develop and publish a model contract for debris removal services for political subdivisions to use following a disaster .TDEM would have to consult with the comptroller to establish appropriate contracting standards and contractor requirements for the model contract and include a contract for debris removal services on the schedule of multiple award contracts developed under state law or in another cooperative purchasing program administered by the comptroller.."
- 13. "CSHB 5 would establish a study group to study issues related to removal of wet debris, including best practices for clearing wet debris following a disaster and determining responsibility for that removal. The wet debris study group would be chaired by the TDEM chief and composed of representatives of TDEM, selected state agencies, and local and federal governmental entities."
- 14. "Given the experiences of homeowners and state and federal agencies, it is necessary to study and recommend ways to resolve the effects local restrictions have on disaster recovery efforts. Some homeowners had difficulty with debris removal, and FEMA and the General Land Office were prevented from locating short-term housing due to homeowners' associations (HOA)regulations, impeding recovery efforts. The work group would recommend ways to mitigate these challenges by considering input from all appropriate stakeholders. The bill would not preclude group members from soliciting input from private associations, including HOAs."



Senate Bill 6

Debris Management

Hurricane Harvey was a massively devastating storm that revealed several deficiencies in the preparedness and response plans of state and local governments. Following the hurricane, the governor established the Governor's Commission to Rebuild Texas, which issued a report on the state response to the disaster that included certain recommendations to better prepare the state to withstand future disasters. Senate Bill 6 by Sen. Lois Kolkhorst seeks to act on several of the recommendations contained in that report.

The bill amends the Government Code to require the Texas Division of Emergency Management (TDEM) to develop a model guide for local officials regarding disaster response and recovery that provides a comprehensive approach to disaster recovery by local officials and includes information on the following:

- Contracting for debris removal;
- > Obtaining federal disaster funding;
- Coordinating the availability and construction of short-term and long-term housing; and
- ➤ Obtaining assistance from local, state, and federal volunteer organizations.

SB 6 requires TDEM to develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster. The bill sets out the required components of the plan and requires TDEM to consult with the comptroller of public accounts about including a contract for debris removal services on the schedule of multiple award contracts or in another cooperative purchasing program administered by the comptroller.

- ➤ The bill requires the Texas A&M Engineering Extension Service, in coordination with the Texas Commission on Environmental Quality, to establish a training program for applicable state agencies and political subdivisions on the use of trench burners in debris removal.
- ➤ It also establishes the wet debris study group to study issues related to preventing the creation of wet debris and best practices for clearing wet debris following a disaster, including certain specified issues.

➤ The bill requires TDEM to establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and any other emergency management personnel.

SB 6 requires the Health and Human Services Commission (HHSC) and TDEM to conduct a study to determine the feasibility of developing the following:

- ➤ A single intake form that would compile all information needed to obtain disaster assistance from multiple state and federal programs for an individual who needs assistance as a result of a disaster; and
- ➤ An automated intake system for collecting such information.

Finally, SB 6 requires HHSC and TDEM to coordinate with FEMA and other appropriate state and federal agencies to conduct the feasibility study and requires HHSC and TDEM to determine whether FEMA and those agencies will accept the single intake form.

Source Materials:

Bill Analysis, Texas Legislature Online https://capitol.texas.gov/tlodocs/86R/analysis/pdf/SBoooo6H.pdf#navpanes=0

- 15. "C.S.S.B. 6 amends the Government Code to require the Texas Division of Emergency Management (TDEM) to develop a model guide for local officials regarding disaster response and recovery that provides a comprehensive approach to disaster recovery by local officials and includes information on the following: contracting for debris removal; obtaining federal disaster funding; coordinating the availability and construction of short-term and long-term housing; and obtaining assistance from local, state, and federal volunteer organizations."
- 16. "C.S.S.B. 6 establishes the wet debris study group to study issues related to preventing the creation of wet debris and best practices for clearing wet debris following a disaster, including certain specified issues. The bill provides for the composition of the study group, requires the chief of TDEM to serve as chair of the study group, and requires the study group, not later than November 1, 2020, to submit a report containing recommendations on the issues studied to each member of the legislature. The study group is abolished, and these provisions expire January 1, 2021."
- **17.** "C.S.S.B. 6 requires TDEM to establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training

- and credentialing of emergency management directors, emergency management coordinators, and any other emergency management personnel. The bill sets out certain duties of the work group and requires the work group, not later than November 1, 2020, to submit the proposal to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature. The work group is abolished, and these provisions expire January 1, 2021."
- **18.** "C.S.S.B. 6 requires the Health and Human Services Commission (HHSC) and TDEM to conduct a study to determine the feasibility of developing the following: a single intake form that would compile all information needed to obtain disaster assistance from multiple state and federal programs for an individual who needs assistance as a result of a disaster; and an automated intake system for collecting such information."

"Texas Senate Approves Billion-Dollar Package To Assist With Harvey Recovery, Guard Against Future Storms," Houston Public Media

 $\frac{https://www.houstonpublicmedia.org/articles/news/2019/03/20/325912/texas-senate-approves-billion-dollar-package-to-assist-with-harvey-recovery-guard-against-future-storms/:$

19. "Senate Bill 6 would require the Texas Division of Emergency Management to create guides for local officials on both disaster response and recovery and how to manage debris removal. It also would require the division to establish a work group to study how best to train and credential local emergency management directors."

"Bills to better prepare for the next Hurricane Harvey coast through Senate," *Houston Chronicle* https://www.houstonchronicle.com/news/houston-texas/houston/article/Bills-to-better-prepare-for-the-next-Hurricane-13703477.php:

20. "One bill, Senate Bill 6, would require training and the creation of a how-to guide for local officials to navigate their after-storm response, including contracting for debris removal, obtaining federal funding and building short- and long-term housing. "When you face a natural disaster, you don't know where to start," said Sen. Lois Kolkhorst, R-Brenham, who sponsored the bill."

"Texas Senate leaders unveil \$1.8 billion package of disaster relief bills," *Texas Tribune* https://www.texastribune.org/2019/03/06/hurricane-harvey-texas-senate-billion-disaster-relief-bills/:

- **21.** "State Sen. <u>Lois Kolkhorst</u>, who authored SB 6, was more pointed. The Brenham Republican said SB 6, which would create the disaster response plan, is designed to "reduce the confusion and delay after an event.""
- **22.** "The legislation <u>Senate Bill 6</u>, <u>Senate Bill 7</u> and <u>Senate Bill 8</u> would require the Texas Department of Emergency Management to create a disaster response plan for local officials, direct the state's water planning agency to devise a statewide flood plan and create a "resiliency fund" to support flood projects."

"Legislature Concludes Session with Top Priorities Accomplished," Texas Senate News https://senate.texas.gov/news.php?id=20190527a:

23. "Comprehensive Harvey relief and recovery package. Leverages expertise at state institutions to improve disaster response and train local officials (SB 6)."

"Senate members file triple bill package for Harvey, future disaster recovery," Community Impact Newspaper

https://communityimpact.com/houston/conroe-montgomery/city-county/2019/03/08/senate-members-file-triple-bill-package-for-harvey-future-disaster-recovery/:

24. "Sen. Lois Kolkhorst, R-Brenham, filed SB 6, intended to create a model guide for what officials should do in the immediate aftermath, based on studies showing Harvey disaster recovery, rescue and relief efforts."

"Harvey Aide Package Heads to the House," Texas Senate News https://senate.texas.gov/news.php?id=20190322a:

"how-to" manual for local officials dealing with the aftermath of a natural disaster. The bill would leverage experience at state disaster response agencies by directing them to develop a model guide to help officials apply for federal aid, work with volunteer aid organizations, provide for short- and long-term housing needs and remove debris. It would also direct these agencies to devise a program to train and certify emergency management directors."

"Legislation with \$1.7 billion for flood control and mitigation goes to governor," *Texas Tribnue* https://www.texastribune.org/2019/05/26/lawmakers-approve-bill-to-help-fund-floor-control-projects-in-texas/

26. "Today, the Senate also adopted the conference committee report on Senate Bill 6, authored by state Sen. Lois Kolkhorst, R-Brenham — the third of the disaster relief bills. SB 6 would require the Texas Division of Emergency Management to establish guides for local officials on both disaster response and recovery, as well as how to manage debris removal."

"Senate passes bills on Harvey Recovery, disaster preparation," *Austin American Statesman* https://www.statesman.com/news/20190320/senate-passes-bills-on-harvey-recovery-disaster-preparation:

27. "SB 6 by Sen. Lois Kolkhorst, R-Brenham, would direct the Texas Department of Emergency Management to create a response guide to help cities and counties manage future disasters, including issues such as managing debris removal, getting federal disaster funding, helping with the housing needs of displaced Texans and organizing aid from volunteer organizations."

"News Roundup: Texas Lawmakers Announce Trio of Disaster Relive Bills Worth \$1.8 billion," Texas Standard

https://www.texasstandard.org/stories/news-roundup-texas-lawmakers-announce-trio-of-disaster-relief-bills-worth-1-8-billion/:

28. "So what does Senate Bill 6 do specifically? Senate Bill 6 instructs the Texas Department of Emergency Management, TDEM as well call it, to create a guide for local officials on disaster response and recovery that will reduce the confusion and delay after an event," Kolkhorst said during the press conference."



Developing Disaster Plans

House Bill 7

The report issued by the Governor's Commission to Rebuild Texas included a recommendation to compile and maintain a comprehensive list of all the regulatory waivers needed during a disaster to expedite suspensions in any future event, as well as a recommendation to emphasize to emergency management personnel the importance of working out partnership agreements and contracted services before a disaster strikes.

House Bill 7 by Rep. Morrison requires the Office of the Governor to compile a list of statutes and rules that may require suspension during a disaster.

➤ Government Code sec. 418.016 allows the governor to suspend any regulatory statute prescribing the conduct of state business or the rules or orders of a state agency if compliance with the statute, rules, or orders would prevent, hinder, or delay necessary disaster relief actions.

Creating such a list of rules and statutes to be waived in responding to disasters would help expedite the process of disaster response by eliminating administrative barriers.

The bill also requires the Texas Division of Emergency Management to develop a plan to assist political subdivisions with executing contracts for services commonly needed after a disaster. This would help establish early access to essential goods and services during a disaster by assisting cities and counties in procuring contracts for disaster response services such as a debris removal and infrastructure repair. The bill would streamline this process by requiring consultation with the comptroller to include these disaster services contracts under the existing schedule of multiple award contracts.

The plan would include:

- training on the benefits to political subdivisions from executing disaster preparation contracts in advance of a disaster;
- recommendations on services political subdivisions could need after a disaster, including debris management and infrastructure repair;

and assistance to political subdivisions with finding persons capable of providing these services and assistance with executing contracts with those persons prior to a disaster.

TDEM would consult with the comptroller on including a disaster services contract on the schedule of multiple award contracts developed by the comptroller or as part of another cooperative purchasing program administered by the comptroller.

➤ Government Code requires the comptroller to develop a schedule of multiple award contracts that have been previously awarded through a competitive process by the federal government or any other governmental entity in any state.

Source Materials:

- 1. "Rep. Geanie Morrison passes HB 7 and HB 2794 to improve efficiency of emergency management", Crossroads Today

 https://www.crossroadstoday.com/news/rep-geanie-morrison-passes-hb-7-and-hb-2794-to-improve-efficiency-of-emergency-management/1070310358
 - a. HB 7 would help state agencies and local jurisdictions eliminate administrative red tape that slows down effective emergency management functions. This includes maintaining a standing list of regulatory waivers needed during a disaster, compiling statutes or rules that must be suspended during an emergency, and working out partnership agreements and contracted services before disaster strikes. This will allow our communities and families to access much timelier assistance.
- 2. "Kolkhorst, Morrison file Harvey bills", The Rockport Pilot http://www.rockportpilot.com/news/article-cfc62042-4194-11e9-aode-eb87cc8a5962.html
 - a. HB 7 will help state agencies and local jurisdictions eliminate administrative red tape that slows down effective emergency management functions. This includes maintaining a standing list of regulatory waivers needed during a disaster, compiling statutes or rules that must be suspended during an emergency, and working out partnership agreements and contracted services before disaster strikes. This will allow communities and families to access much timelier assistance.

- 3. Bill Analysis, House Research Organization: https://hro.house.texas.gov/pdf/ba86r/hb0007.pdf#navpanes=0
 - a. CSHB 7 would require the Texas Division of Emergency Management (TDEM) to develop a plan to assist political subdivisions with executing contracts for services these subdivisions were likely to need following a disaster. The plan would include:
 - i. training on the benefits to political subdivisions from executing disaster preparation contracts in advance of a disaster;
 - ii. recommendations on services political subdivisions could need after a disaster, including debris management and infrastructure repair; and
 - iii. assistance to political subdivisions with finding persons capable of providing these services and assistance with executing contracts with those persons prior to a disaster. TDEM would consult with the comptroller on including a disaster services
 - b. CSHB 7 would help to improve disaster response in the state by eliminating administrative barriers and assisting local communities in procuring key emergency services before a disaster.
 - c. CSHB 7 also would require the governor's office to compile and maintain a comprehensive list of regulatory statutes and rules that could require suspension during a disaster.
 - d. The bill also would help establish early access to essential goods and services during a disaster by assisting cities and counties in procuring contracts for disaster response services such as a debris removal and infrastructure repair. The bill would streamline this process by requiring consultation with the comptroller to include these disaster services contracts under the existing schedule of multiple award contracts.